

SENT VIA EMAIL

June 4, 2014

Planner Thuy Hua
Los Angeles County Department of Regional Planning
320 West Temple Street Thirteenth Floor
Los Angeles, CA 90012

Dear Ms. Hua,

Subject: Renewable Energy Ordinance Draft 2

We appreciate the opportunity to comment again on the Renewable Energy Ordinance (REO). We have grave concerns about the rapid industrialization of the Western Antelope Valley due to the construction of utility-scale solar installations and the consequent negative impacts to the Antelope Valley California Poppy Reserve and other protected open spaces. Both existing and proposed Los Angeles County planning documents emphasize the importance of preserving the “rural character” of the area while also ensuring “compatibility of development adjacent to state and regional parks” (from the Los Angeles County Regional Planning's General Plan Land Use Element Policy). Yet we see no language in the current draft of the REO that reinforces these approved planning goals. Instead we do see emphasis placed on protecting viewsheds along the coast with no mention of the importance of other scenic inland viewsheds. This is not equitable.

In addition, the draft REO does not reflect current standards for setbacks for utility-scale wind installations; allows wind energy proponents to mislead the public concerning energy production; and needs additional language in the section on “Site disturbance” concerning the proliferation of non-native species.

VIEWSHED

Located in the Western Antelope Valley, the Antelope Valley California Poppy Reserve is a popular destination park for large numbers of Californians and tourists from throughout the world. Thousands of visitors come to the Poppy Reserve every spring to experience firsthand the spectacle of vast carpets of native wildflowers. Visitors include travelers from all over the country and all over the world. A century ago, Californians could view colorful scenes like these in many places throughout the state. Now only one landscape in California is specifically dedicated to preserving the unique scenic experience provided by expanses of California's vibrant orange state flower, the California Poppy, thriving in the Western Antelope Valley amongst the gold, magenta, lavender and purple displays of numerous other native California wildflowers.

Poppy Reserve visitors photograph these floral survivors with the magnificent views of the majestic Tehachapi and San Gabriel Mountains in the background. Millions of family photographs like these, taken for over a generation from the park's hiking trails, may soon

be a thing of the past. The Poppy Reserve, established due to the dedicated efforts of Antelope Valley residents and other Californians like them who realized the importance of protecting a remnant of California's once vast inland scenic treasures, is headed for a crossroad. The rapid renewable energy industrialization of the Antelope Valley, particularly in the west where the Poppy Reserve is located, poses grave threats to these scenic treasures.

Damage to the viewshed will greatly diminish the visitor experience at the Poppy Reserve. The Reserve is on elevated land in the area of the Fairmont Buttes. Hiking trail viewpoints look down and across the surrounding landscape to the mountains of the Angeles Forest and Tehachapi Mountains, views much photographed by park visitors.



Both proposed and existing county planning documents recognize the importance of protecting scenic resources such as state and regional parks. The Los Angeles County Regional Planning's General Plan (1980) Land Use Element Policy states the following goals:

- "Prevent inappropriate development in areas that are environmentally sensitive"
- "Establish and implement regulatory controls that ensure compatibility of development adjacent to ...State and Regional Parks."

Los Angeles County Preliminary Draft Antelope Valley Area Plan
Goal COS 19 states that, "New development meets open space objectives while maintaining rural character." Policies listed under this heading consistently emphasize that development incorporates strategies that

- "preserve rural character"
- are "consistent with a rural environment"
- and "maximize protection of environmental and scenic resources."

Goal COS 18 addresses "Permanently preserved open space areas throughout the Antelope Valley." Policies under this heading state the need to preserve open space in SEAS and "other sensitive habitat areas, scenic resources and lands adjoining preserve, sanctuaries and State and National Parks."

However, the draft REO does not reflect the above stated goals regarding protecting these scenic resources. Instead, in regarding potential impact to viewsheds the draft REO states mentions only scenic drives and coastal views (pages 17 – 18):

Any utility-scale renewable energy facility that is placed within the viewshed of a Scenic Drive identified in the General Plan or in an applicable Area Plan

or Community Plan shall be analyzed for its visual impacts, and appropriate conditions relating to siting, buffering, height, and design of the facility may be imposed to minimize significant effects on the viewshed;
Within the Coastal Zone, the placement of any utility-scale renewable energy facility shall not obstruct public views of the ocean from a scenic element (i.e., significant ridgeline, scenic route, scenic area, scenic viewpoint) identified in the applicable local coastal plan unless specific provisions for such siting are provided for in the applicable local coastal plan and coastal development permit or longrange development plan.

The preceding does not mention the viewshed of state and regional parks or the importance of providing “maximum protection of environmental and scenic resources.” It also does not mention, as does the proposed county plan, of the importance of analyzing potential impact to “other sensitive habitat areas, scenic resources and lands adjoining preserve, sanctuaries and State and National Parks.”

The ordinance needs to clearly state the importance of protecting the viewshed of these scenic resources. A requirement to analyze potential impact to public views that mentions only coastal California vastly underserves the need to protect inland scenic resources as well. We suggest this change to the draft REO so that it reflects existing Los Angeles planning goals (suggested additional language in bolded italics):

Any utility-scale renewable energy facility that is placed within the viewshed of a Scenic Drive identified in the General Plan, ***scenic resources and lands in the viewshed of preserves, sanctuaries and state and national parks or forests*** or in an applicable Area Plan or Community Plan shall be analyzed for its visual impacts, and appropriate conditions relating to siting, buffering, height, and design of the facility may be imposed to minimize significant effects on the viewshed;

In addition, all industrial energy plants proposed for the viewshed of these protected public places must also include visual simulations of the damage to the viewshed from Key Observation Points (KOPS) in these parks. Those key observation points must be identified by state park personnel **after** viewing project maps of any proposed wind or solar renewable energy installations. KOPs identified without prior access to project maps are useless. All visual simulations must also accurately display proposed fencing, roads, buildings and any above ground electrical lines.

Visitors come to the Antelope Valley California Poppy Reserve for an almost purely visual experience. The essence of that experience would be radically altered by the construction of industrial energy installations in its view shed. The most accurate representation of this radical alteration, in the form of accurate visual simulations must be created so that all interested parties have a clear representation of what would be lost if industrial energy projects are constructed in the park view shed.

A requirement for visual simulations including KOPS identified after full access to project maps is missing from the current draft of the REO and should be included.

Further, RE project maps should also fully label nearby protected areas including state parks, land held by conservation groups and the Angeles National Forest so that the full impact of proposed projects will be fully disclosed to all interested parties including those not familiar with the biologically protected areas in the Antelope Valley.

A requirement for full and inclusive labeling of all conservation areas such as state parks and the national forest near proposed RE projects on all project maps is missing from the current draft of the REO and should be included. Without this requirement, project proponents are able to mislead the public concerning the impact that the siting of their projects will have on nearby protected areas.

INVASIVE SPECIES



Invasion of non-native species including Russian thistle, European grasses and non-native species of mustard is a pressing concern at the Poppy Reserve. These opportunistic species are among the first to sprout on cleared terrain. In Lancaster, growth of these invasive plants underneath and adjacent to solar panels is common. If this growth is not vigilantly eradicated the threat of such species spreading outward into the Poppy Reserve will exacerbate the demand for control efforts on the Reserve and lead to increased detrimental competition with native annuals.

Section G “Site Disturbance” of the REO should require project plans for utility-scale solar installations to include a plan for ongoing maintenance to prevent the growth of non-native species.

ENERGY PRODUCTION

Current practices by proponents of utility-scale wind and solar energy mislead the public concerning the actual amount of energy that will be produced. It is of utmost importance that the REO includes provisions that end this misleading practice by requiring full transparency concerning the project’s rated capacity versus predictions of actual megawatt output. For example, a typical wind energy project plan includes only the rated

capacity by stating that its project represents a 300-megawatt facility with “enough energy to power more than 114,000 houses.”

Not clarified is that the actual anticipated average output will be far less than 300-megawatts “rated capacity.” and thus this energy plant will never produce all of the energy needed by 114,000 houses. “Rated capacity” represent the maximum energy produced under optimal conditions. For wind installations this will occur only when the wind is blowing at optimal speeds (typically 30 to 55 mph) and for solar, during the day with no cloud cover. For the purposes of establishing Power Purchase Agreements (PPAs) with utility companies wind energy companies in Scotland and elsewhere typically contract for 30% of the “rated” capacity and solar installations also contract for far less than “rated capacity.”

To allow utility scale alternative energy to describe their proposed projects only in terms of rated capacity dramatically misleads the public.

To prevent this misleading practice, the REO should require that project proponents describe projected energy production that reveals the actual amount contracted for with utility companies through the Power Purchase Agreement, using PPA figures in place of rated capacity. The use of rated capacity should be eliminated from renewable energy project descriptions so that the public will not be misled concerning actual expected energy output of proposed utility-scale renewable installations.

SETBACKS

Setbacks proposed by the draft REO remain inadequate and do not reflect latest practices in comparable counties throughout the country also currently experiencing alternative energy development adjacent to scenic public areas and private residences.

Otsego County, New York: “Sensitive environmental areas shall have a setback of between **2 to 5 miles** and shall be determined by the Otsego County Planning Commission and the Department of Natural Resources.” (This county also limits turbine height to 200 feet) “**Scenic** areas, including parks, highways, recreational areas, and others as determined by the County and Townships, shall have a setback of not less than **1 mile.**”

Umatilla County, Oregon: Newly adopted wind energy ordinances require a **2 mile** setback from a “city urban growth boundary” and a **1 mile** setback for land zoned “unincorporated community.”

Goodhue County, Michigan and Barnsdale County, Massachusetts: Both just adopted setbacks of 10 “rotor-diameters” – amounts to at least **1.2 miles.**

Adam’s County, Illinois: Setback currently is **one-quarter mile (1,320 feet)**, residents are asking to change it to **one half-mile (2,640 feet).**

Even when counties propose a decrease in setbacks, those new setbacks are much

larger than the 2x facility height proposed in the draft REO. **Wexford County, Michigan** proposes to decrease setbacks to 3 times the turbine height (measured to blade tip).

Based on this information from ordinances around the country, we believe that setbacks in Los Angeles County should provide the same level of protections from damage to viewsheds and increase in manmade noise levels afford to citizens in Oregon, New York, Massachusetts and Michigan.

On the chart labeled “Facility Using Wind Resources”

The entry “Scenic drives and Scenic Routes as identified in the General Plan or in applicable area or community plan” should be changed to

“Scenic drives and Scenic Routes as identified in the General Plan, ***scenic resources and lands in the viewshed of preserves, sanctuaries and state and national parks or forests*** or in applicable area or community plan”

And the setback for this entry should be ***at least 1 mile***.

For all other setbacks mentioned on the chart 2 x facility height should be changed to ***4 x*** the facility height, including the entry for Public Road or Highway.

Finally, all instances where facility height is described concerning wind energy, the description should be:

N. Maximum height. Wind tower, ***including highest sweep of turbine blades***, shall not exceed 500 feet above the finished grade.

Respectfully,

Margaret Rhyne
President, Poppy Reserve/ Mojave Desert Interpretive Association
June 4, 2014